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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,848	06/29/2000	Lewis Dean Dodrill	95-418	7958

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EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 04/29/2004

#9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,848

Applicant(s)

DODRILL ET AL.

Examiner

Anita Choudhary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

The amendment filed on November 17, 2004 under 37 CFR 1.312 has been entered.

Claims 3 and 16 have been amended and are presented for further examination.

Claims 1-41 are presented.

Response to Arguments

Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan (US 6,301,609) in view of Swartz (US 6,445,694).

In considering claims 1 and 28, Aravamudan discloses a method in an application server and a computer readable medium for initiating inter-process communication between non-persistent application sessions (column 2, lines 25-31), comprising:

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- Determining whether a second party is available to receive a message established in an application session of a first party (column 8, lines 51-55); and
- Based on the determined availability of the second party, generating an instant message having instructions to notify the second party of a new application session (event) for the second party so as to present the message to the second party (column 9, lines 10-15).

Although Aravamudan shows substantial features of the claimed invention, Aravamudan does not explicitly show the notification of new application session in the form of an HTML page. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Aravamudan, as evidenced by Swartz.

In an analogous art, Swartz discloses a system for Internet controlled telephony using a host connected to a subscriber. The subscriber uses an HTML web interface to handle incoming calls. Swartz shows:

Generating a HTML page (fig. 4) having instruction for a browser to notify the second party (subscriber) of a new application (incoming call) for the second party so as to present the message to the second party (col. 9 line 27-40, 59-63).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Aravamudan to employ the feature shown by Swartz, in order to facilitate communication over a highly effective and conventionally available means (see Swartz, col. 3 lines 39-45).

In referring to claim 2 and 29, Swartz shows inserting URL within HTML page inserting a uniform resource locator (URL) within the HTML page causing the browser to request

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interruption of a present application session of the second party to create the new application session for the second party (col. 10 lines 12-18).

In referring to claim 3 and 30, Swartz shows a generating a new session identifier (phone book entry) that specifies the new application session for the second party, where in the URL includes the new session identifier for interrupting the present session of the second party with the new application session (col. 10 lines 37-53).

In referring to claim 4, 19, and 31, Swartz shows initiating an application instance for execution of the new application session for the second party based on a server-side data record configured for storing a state of the new application session and selected based on the new session identifier, in response to receipt of the URL from the browser (col. 7 lines 16-26).

In referring to claim 5, 22, 32 and 41 Swartz shows HTML page includes prompt enabling the subscriber to respond to the message (fig. 4 and fig. 10)

In considering claims 6, 14, 23, 27 and 33, Aravamudan discloses wherein the determining step includes accessing a registry locally accessible by the application server, and the method further including updating the registry to indicate that the first party is available for messaging operations (column 7, lines 17-20).

In considering claims 7 and 34, Aravamudan further discloses storing the message in a data store of the second party (column 10, line 44, see also Swartz col. 12 line 54-57).

In considering claims 9 and 36, Aravamudan further including accessing attribute information of the second party to determine whether the second party authorizes receipt of the message from the first party (column 9, lines 50-52 and column 11, lines 3-7).

In referring to claim 11 and 38, Swartz shows message is voice message ad HTML page includes instructions for playing the voice message (col. 12 lines 46-59).

In considering claim 12, Aravamudan discloses a method for inter-process communication between non-persistent application instances (column 2, lines 25-31) the method comprising:

- Establishing a first non-persistent application instance serving a first party (column 8, lines 35-40; Note that it is inherent that the 'important event' was sent by a first party establishing a first non-persistent application instance.);
- Establishing a second non-persistent application instance serving a second party (column 6, lines 33-39); and

Although Aravamudan shows substantial features of the claimed invention, Aravamudan does not explicitly show generating an application instance in the form of an HTML page. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Aravamudan, as evidenced by Swartz.

In an analogous art, Swartz discloses a system for Internet controlled telephony using a host connected to a subscriber. The subscriber uses an HTML web interface to handle incoming calls. Swartz shows:

Generating a HTML page (fig. 4) having instruction for a persistent browser instance to notify the second party (subscriber) of a new application (incoming call) for the second party (col. 9 line 27-40, 59-63).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Aravamudan to employ the

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feature shown by Swartz, in order to facilitate communication over a highly effective and conventionally available means (see Swartz, col. 3 lines 39-45).

In considering claim 13, Aravamudan further discloses accessing, by at least one of the first and second application instances, a common resource over an IP network (Fig. 1, "160").

In referring to claim 17, Swartz shows first application and second application instance (calls) are established in first and second application server, respectively (col. 2 lines 26-31).

In referring to claim 20 and 39, Aravamudan shows an application runtime environment configured for dynamically generating for a first party, an instant message having instructions to notify second party of a new application session for the second party (column 9, lines 10-15), based on determination that the second party is available to receive the instant message (column 9, lines 10-15), the application runtime environment being configured to access a common resource containing information regarding both the first and second parties (Fig. 1, "160").

Although Aravamudan shows substantial features of the claimed invention, Aravamudan does not explicitly show generating an HTML document having instructions for a browser to notify a second party of a new application session. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Aravamudan, as evidenced by Swartz.

In an analogous art, Swartz discloses a system for Internet controlled telephony using a host connected to a subscriber. The subscriber uses an HTML web interface to handle incoming calls. Swartz shows:

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Generating a HTML page (fig. 4) having instruction for a browser to notify the second party (subscriber) of a new application (incoming call) for the second party (col. 9 line 27-40, 59-63).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Aravamudan to employ the feature shown by Swartz, in order to facilitate communication over a highly effective and conventionally available means (see Swartz, col. 3 lines 39-45).

In referring to claim 21 and 40, Swartz shows HTML document has instructions to interrupt a present application session (present call) of second party (subscriber) to create the new application session for the second party (call waiting feature) (col. 9 lines 59-62).

Claims 8, 10, 15, 16, 25, 26, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan in view of Swartz and in further view of U.S. Patent No. 6,374,292 to Srivastava et al. (hereinafter "Srivastava").

Although the system disclosed by Aravamudan in view of Swartz shows substantial features of the claimed invention, as discussed above, it fails to disclose the following limitations:

In considering claims 8, 16, 26 and 35, Aravamudan in view of Swartz fail to disclose *wherein storing of the message is performed in accordance with IMAP protocol*. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Aravamudan, as evidenced by Srivastava.

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In an analogous art, Srivastava discloses a client/server communication system, and more particularly to a mail server included in an electronic mail system for use within a client/server data processing system wherein storing of the message (electronic mail) is performed in accordance with IMAP protocol (column 4, lines 48-49). Given this teaching of Srivastava, a person having ordinary skill in the art would have readily recognized the desirability of modifying Aravamudan in view of Swartz by employing the well known or conventional feature of IMAP protocol, such as disclosed by Srivastava, in order to provide flexible and easy access to messaging.

In considering claims 10, 15, 25 and 37, Aravamudan in view of Swartz fail to disclose *accessing a database server according to LDAP protocol*. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Aravamudan and Swartz, as evidenced by Srivastava.

In an analogous art, Srivastava discloses a client/server communication system, and more particularly to a mail server included in an electronic mail system for use within a client/server data processing system wherein accessing of the database is in accordance with LDAP protocol (column 7, lines 31-35). Given this teaching of Srivastava, a person having ordinary skill in the art would have readily recognized the desirability of modifying Aravamudan in view of Swartz by employing the well known or conventional feature of LDAP protocol, such as disclosed by Srivastava, in order to provide flexible and simple updating and searching of directories running over TCP/IP.

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Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan in view of Swartz.

In considering claims 18 and 24, Aravamudan in view of Swartz fail to *disclose wherein the common resource is accessible via an application programming interface (API)*.

Nonetheless, this feature is well known in the art and would have been an obvious modification to the system disclosed by Aravamudan and Swartz. A person having ordinary skill in the art would have readily recognized the advantages of modifying Aravamudan and Swartz, by employing the well known feature of an application programming interface (API) in order to efficiently direct the performance of procedures by the operating system of the computer.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC
January 29, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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